

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

BLACKWELL PUBLISHING, INC.,)	
ELSEVIER, INC., ELSEVIER B.V.,)	
WALTER de GRUYTER GmbH & CO. KG,)	
MASSACHUSETTS MEDICAL SOCIETY,)	
WILEY-LISS, INC., and)	
WILEY PERIODICALS, INC.,)	
)	CIVIL ACT.NO. 04-10050-NG-MB
Plaintiffs,)	
)	
v.)	
)	
FEDERAL STATE OF)	
NORDRHEIN-WESTFALEN, GERMANY,)	
d/b/a ZBMED,)	
)	
Defendant.)	
)	

**JOINT MOTION TO AMEND SCHEDULING ORDER
AND TO CONTINUE STATUS CONFERENCE**

The parties jointly move to continue the Status conference scheduled for Tuesday March 8, 2005 at 2:15pm to **April 12, 2005 at 2:15pm** and to amend the deadlines set out in the Scheduling Order entered by this Court at the Status Conference on November 23, 2004, as follows:

- June 7, 2005: All motions pursuant to Fed. R. Civ. P. 12, 15, 19, and 20 filed.
- September 16, 2005: All discovery on copies delivered into the United States completed.
- December 20, 2005: All dispositive motions pursuant to Fed. R. Civ. P. 56, with respect to copies delivered into the United States, filed.

As grounds for this motion, the parties state:

1. The parties have scheduled a further negotiation conference for this Wednesday between counsel in Germany, United Kingdom and the United States. This

conference follows the very productive joint discussions of last month. The parties have now advanced their work on their fourth draft of a settlement agreement which will resolve this litigation and a related litigation in London. Counsel in the U.S. action are both of the view that the remaining open points (the open points have been reduced since our last discussions) can be resolved and that they are likely to be resolved in the course of working out the next revisions to the settlement agreement. Both agree that it would be the best and most efficient use of the Court's time and counsels' time to continue to focus on their productive settlement efforts.

2. Counsel, William S. Strong, for the plaintiffs, and David S. Korzenik, for the defendant, have both conferred with Ms. Dianalynn Saccoccio of Chambers to advise the Court of the parties' progress toward settlement. The parties are available for a status conference on April 12, 13 and 14 as the Court prefers. The parties have requested a thirty day extension of time since they want to maintain the tempo of their settlement effort in both the U.S. and the U.K. litigations.

3. Accordingly, the parties jointly request that their status conference of March 8, 2005 be adjourned to April 12, 2005 at 2:15pm (or on April 13 or 14 if those dates are preferable for the Court) and that the deadlines set forth in the Scheduling Order be extended two months each as noted below.

4. In their Joint Statement Pursuant to Local Rule 16.1(D), which was filed with the Court on July 17, 2004, the parties agreed to discovery deadlines and proposed deadlines for the filing of motions.

5. After a Status Conference on July 23, 2004, the Court (Bowler, M.J.) adopted the schedule proposed by the parties. After a Status Conference on November 23, 2004 the deadlines were extended.

6. In light of progress made in ongoing settlement negotiations, the parties now seek to extend, by approximately two months, the deadlines set out in that schedule.

7. Allowing the extended time periods set out in this motion will not prejudice any party or the Court, and will permit the parties to concentrate their energies on seeking to reach settlement.

WHEREFORE, the undersigned parties respectfully request that the deadline for filing of motions pursuant to Fed. R. Civ. P. 12, 15, 19, and 20 be extended from May 5, 2005 to June 7, 2005; that the deadline for discovery on copies delivered into the United States be extended from August 17, 2005 to September 16, 2005; and that the deadline for filing of motions for summary judgment pursuant to Fed. R. Civ. P. 56, as to copies delivered into the United States, be extended from November 16, 2005 to December 20, 2005.

Respectfully submitted,

BLACKWELL PUBLISHING, INC.,
ELSEVIER, INC.,
ELSEVIER SCIENCE B.V.,
WALTER de GRUYTER GmbH & CO. KG,
WILEY-LISS, INC., and
WILEY PERIODICALS, INC.,
Plaintiffs

By their attorneys,

/s/ William S. Strong

William S. Strong, BBO #483520
Amy C. Mainelli, BBO #657201

FEDERAL STATE OF NORDRHEIN-
WESTFALEN, GERMANY, d/b/a
ZBMED,
Defendant

By its attorneys,

/s/ David S. Korzenik

David S. Korzenik, New York DK1767
(Admitted pro hac vice)

MILLER AND KORZENIK, LLP
488 Madison Avenue, 11th Floor
New York, N.Y. 10022

KOTIN, CRABTREE & STRONG, LLP
One Bowdoin Square
Boston, MA 02114
(617) 227-7031

(212) 752-9200
and

/s/ Robert A. Bertsche

Robert A. Bertsche, BBO #554333
PRINCE, LOBEL, GLOVSKY & TYE LLP
585 Commercial St.
Boston, MA 02109
(617) 456-8000

Dated: March 8, 2005